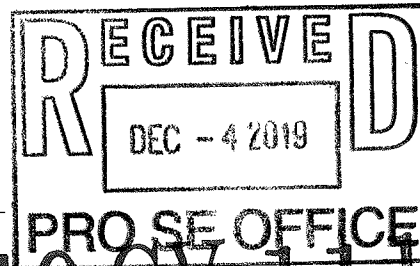


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JASON BERRY #15A1433



19 CV 11123

(In the space above, enter the full name(s) of the plaintiff(s).)

**COMPLAINT**

under the  
Civil Rights Act, 42 U.S.C. § 1983 (1986) (b)  
(Prisoner Complaint)

-against-

Jury Trial: ☒ Yes ☐ No  
(check one)

Attorney General of STATE of New York et. AL.,  
INSPECTOR GENERAL OF STATE of New York,  
COMMISSIONER OF CORRECTIONS OF STATE of New York,  
Office of SPECIAL INVESTIGATIONS of STATE of New York,  
District Attorney for Cayuga County STATE of New York,  
Superintendent / WARDEN of Auburn CORR. Facility,  
LT. TROY Mitchell of Auburn CORR. Facility,  
LT. LORD C.O. WART, C.O. MURRAY, C.O. Penello,  
Sgt. PYKE Sgt COFFIN, C.O. BROWN C.O. Clark,  
All of Auburn Correctional Facility

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identified to those contained in Part 1. No Addresses should be included here.)

**I. Parties in this complaint:**

- A List your name, identification number, and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff Name JASON BERRY  
ID # 15A1433  
Current Institution SULLIVAN CORR. FACILITY  
Address 325 RIVERSIDE DRIVE, FALLSBURY, NY. 12733

- B List all defendants' names, positions, places of employment, and the address where each defendant may be served. Make sure the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant No. 1 Name Attorney General of SNY Shield # —  
Where Currently Employed A.G. Office  
Address Albany, NY. 12224-0341  
Office of the Attorney General - Dept of Law  
The Capitol, Albany

Defendant No. 2

Name Inspector General of SNY/OST Shield # —  
Where Currently Employed \_\_\_\_\_  
Address \_\_\_\_\_

Defendant No. 3

Name Commissioner Anthony J. Annucci Shield # —  
Where Currently Employed DOCCS  
Address 1220 Washington Ave. Building 9, Albany, NY 12226

Defendant No. 4

Name D.A. Jon E. Budelmann Shield # —  
Where Currently Employed Cayuga County Courthouse  
Address 95 Genesee St. 1st Floor, Auburn NY 13021

Defendant No. 5

Name Superintendent Auburn C.F. Shield # —  
Where Currently Employed Auburn Correctional Facility  
Address 135 State St. Auburn NY 13024-9000

(Continuation of Defendants on Next 2 pages)

## II. Statement of Claim:

State as briefly as possible the facts of your case. Describe how each of the defendants named in the caption of this complaint is involved in this action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

A. In what institution did the event rise to your claim(s) occur?

Auburn Corr. Facility

B. Where in the institution did the events giving rise to your claim(s) occur?

"D" Block 4 - Company - 3 cell (Starts) (ended)  
on "D" Block 4 Company Landing Area.

C. What date and approximate time did the events giving rise to your claim(s) occur?

On Nov. 26, 2016 at Dinner Time feed up, Approx  
1/2 hour - 1hr after feed Assault Began.

## Continuation of Defendants

- ① Defendant No. 6 NAME: LT Troy Mitchell  
Employed: Auburn C.F.  
ADDRESS: Auburn C.F., 135 State St. Auburn, NY 13024-9000.
- ① Defendant No. 7 NAME: LT. LORD  
Employed: Auburn C.F.  
ADDRESS: Auburn C.F. 135 State St. Auburn NY 13024-9000.
- ① Defendant No. 8 NAME: C.O. DART shield # Unknown  
Employed: Auburn C.F.  
ADDRESS: Auburn C.F. 135 State St. Auburn NY 13024-9000.
- ① Defendant No. 9 NAME: C.O. MURRAY shield # N/A  
Employed: Auburn C.F.  
ADDRESS: Auburn C.F. 135 State St. Auburn NY 13024-9000.
- ① Defendant No. 10 NAME: C.O. Penello shield # N/A  
Employed: Auburn C.F.  
ADDRESS: Auburn C.F. 135 State St. Auburn NY 13024-9000

Defendant No 11 Name: Sgt Pyke Shield# N/A  
Employed: Auburn C.F.  
Address: Auburn C.F. 135 State<sup>st.</sup> Auburn NY 13024-9000

Defendant No. 12 Name: Sgt Coffin Shield# N/A  
Employed: Auburn C.F.  
Address: Auburn C.F. 135 State st, Auburn NY 13024-9000.

Defendant No. 13 Name: C.O. Brown Shield# N/A  
Employed: Auburn C.F.  
Address: Auburn C.F. 135 State st, Auburn, NY 13024-9000

Defendant No. 14 Name: C.O. Clark Shield# N/A  
Employed: Auburn C.F.  
Address: Auburn C.F. 135 State st, Auburn NY 13024-9000

---

What happened to you

D. Facts: that on Nov. 26, 2016, Plaintiff was assaulted by  
named Defendants, that Defendant has chosen to seek to  
deny or deprive one of all protection, privileges and/or  
privileges that are to be secured by Constitutional Law and  
or Court Rules. Please see (Appendix A & B).

Who did what

Was anyone else involved

Who else saw what happened?

### III. Injuries:

If you sustained injuries related to the events alleged above, describe them and state what medical treatment, if any, you required and received. Sustain Injuries to left shoulder,  
AND left Testicles, Namely Hydrocele.

### IV. Exhaustion of Administrative Remedies:

The Prisoners Litigation Reform Act ("PLRA"), 42 U.S.C. §1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted". Administrative remedies are also known as grievance procedures.

A. Did you claim(s) arise while you were confined in a jail, prison, or other correctional facility?  
Yes ☒ No ☐

# Appendix A

Respondents had chosen to seek to deny or deprive one of all protection priviledges and/or immunities that are to be secured by Constitutional Law and/or Court court rulings.

- (1) **Attorney General State of New York:** Being the head principal prosecutor of the State of New York and failing to meet that which is defined within his title of Office and/or Constitutions/Laws of both United States and the State of New York.
- (2) **District Attorney:**Being the Principle lead Prosecuter for the County of Cayuga and failing to meet that which is defined within his/her title of Office and/or Constitutions/Laws of both United States and the State of New York.
- (3) **Office of Special Investigation/OSI:** By being the Principle Investigator, failure to properly investigate misdeeds by fellow Constituants/Government personnel.
- (4) **Commissioner of Corrections Annucci;** Failure to properly Supervise, Instruct the investigation into the misdeeds, and personal Jurisdiction and/or Authorities.
- (5) **Superintendent;** Being the Principal Supervisor of Auburn Correctional Facility which is to hold Sole Liability

of Supervising those under his Jurisdictional Authority.  
Allowing those under him to commit and cover up misdeeds.

- (6) Deputy Superintendent of Security/DSS; Being the Principal Security Officer of Auburn Correctional Facility aiding and/or abating in the cover up of misdeeds by filing instruments and false statements by those under his Jurisdictional Authority.
- (7) Acting Captain of Security; Being a Principal Security Officer aiding and/or abating in the cover up of misdeeds, by filing false instruments and false statements by those under his Jurisdictional Authority.
- (8) Lt. Mitchell; Being a Principal Officer of Auburn Correctional Facility, aiding and/or abating in the cover up of misdeeds, by filing false instruments and false statements by those under his Jurisdictional Authority.
- (9) Lt. Lord; Being a Principal Officer of Auburn Correctional Facility aiding and/or abating in the cover up of misdeeds, by filing false instruments and false statements by those under his Jurisdictional Authority.
- (10) Sgt. Pyke; Aiding by compounding initial misdeeds, by filing false instruments and statements, destroying instruments and video recordings to cover up misdeeds by those under his Jurisdictional Authority.

# Appendix B

COVER PAGE 1 of 1

Auburn CORR. FACILITY

#49 assaulted  
By Officers,  
Set up with  
Weapon

GRIEVANCE

AUB 70550-16

NAME: JASON BERRY

Cell Loc: SHU D-4 cell

DIN# 15A1433

Date: 11-26-2016

RECEIVED BY:  
AUBURN I.G.R.C.

ON 12/6/16

Under The New York State Penal Law  
195.00 - OFFICIAL MISCONDUCT

States the Following:

When a States Official/Officers as a Public Servant(s), With the intent to benefit by injuring OR depriving another person of a benefit, Right, Privilege, or entitlement, by committing an act relating to their office or Official title that constitutes an unauthorized exercise of their official function, knowing that such an act or offense is unauthorized, had knowingly refrained from performing a duty which was imposed upon them by law, Statute or entitlement, or was clearly inherent in the nature of their offices, are guilty of the offense of Official Misconduct.

Note: For those that do not understand law, it is very simple if a State's official or Officer, being a Public Servant does anything you feel is wrong, illegal, OR unconstitutional, they can be charged with this offense. There <sup>by</sup> being abruptly suspended from their job(s) without pay, until the outcome of the action filed against them is settled. This is also a good way to make all the State Official(s), Officer(s) think on their conduct or action. W

pg# 1 of 12  
Code # 49

# Auburn Corr. Facility Grievance

AUB-70550-16

Name: JASON BERRY

Cell Loc: SHU-D-4

DPN: #15A1433

Date: 11-26-2016

## Grievance Complaint

I, JASON BERRY #15A1433, AM Requesting that you Superintendent H. GRAHAM of Auburn Corr. Facility, as well as I.G.R.C. Supervisor Ms. Parmiter assist me on an unprofessional matter of physical abuse, Excessive force, an falsification of Records in Violation of 3.4 of the "Employee Rules & Regulations Manual", Lying, and Misconduct by Staff members at this facility. All generating with the <sup>13</sup>~~perpetration~~ perpetration of Officer R. DART, a Correction officer here at Said facility.

## Description of Violation

This Complaint is Submitted for the abuse of power under the Color of Law, Violation of grievants 8<sup>th</sup> Amendment Right to be Free from Cruel and unusual punishment, Employ Manual 3.4 falsification of Records, which misconduct of Said officer, and officer(s) is Contrary to the public officers Law (16) as a Violation of his/their Oath of Office.

didn't get nothing to eat! C.O. Dart Replies "It's obvious th  
i ran out" Now Shut The Fuck Up" and Walks away.  
Returns with the Feed Up Bags. I ASK C.O. Dart "I  
talk to You with Respect" C.O. Dart cuts me off from  
Saying anything further and Says "You dont Respect Shit  
You yelling on my fuckin Company, thats not Respect"!  
"Keep fucking yelling and i will cut your Power Off  
I Replies, You can Cut the fucking Power OFF, I dont  
give a Shit, But you are going to Stop telling me to Shut  
The Fuck Up! C.O. Dart Says "Shut the Fuck Up Befo.  
I fuck you up"! I told him try it, Pop my gate! He C.O.  
Dart Says "he got me" and walks off.

About 1/2 hour later C.O. Dart walks by my cell  
and lifts his arm up in the air and my cell pops open  
And about 4 officers Rush into my cell followed by C.  
Dart, they throw me up against the Back Wall going into  
the corner opposite my Sink, And tell me "You got a  
fucking Problem, Cuff Up! they lock the Cuff's on my wrist  
Until i cant feel ~~in~~ my hands and are pinching my  
Skin they all take me out the cell, Close my Cell door  
and Bring me out onto H-5 Company landing. Sgt R  
is Standing there and Says to me "You got a fuckin'  
Problem, I Say I got a Problem with C.O. DART,  
thats when C.O. Dart Punches me on the Right Side of  
my Head, and i lose my Balance Being Handcuffed  
On the Back and All the Police Jump on me and  
Take me Down. C.O. Dart Starts to Punch me

C.O. Murray says to P Sgt Pyke, Sarge, what do you wanna do? Put him Back? Sgt Says, take him downstairs, Now I'm Thinking their going to Kill me and throw me down the stairs, I Beg C.O. Murray that i dont Need Medical, I want Report what Just Happened He Nudges me forward, and i Start to go down the Stair once we at the Bottom Floor, there were officer's sittin Behind the desk and the side of it, All laughing at what happened to me. C.O. Murray & Sgt Pyke put me on the elevator to go to SHU. they tell me 'Keep your Mouth & i Say O.K. We get to SHU, Nurse is there asking me do i need Medical, I Shake my head "No" Because i do want Murray to Kill me. I'm Escorted into P<sup>#</sup>3 in SHU intake, Sgt Clotfin & C.O. Brown are there waiting for me, C.O. Brown ask me if i want "PC"? I Say No He Says Pign here, Sgt Clotfin tells me He Needs to take Pictures of me with my clothes off, this is Procedure wh ther's Use of Force and Unusual Incident Report. So I Comply and im escorted to my cell.

Last day Nov 27, 2016, i get a Misbehavior Report for a Weapon. that C.O. Dant ~~did~~ Allegedly did a Cell Search in my presence and found a Razor on my Bed! once they found a weapon, they Handcuffed me and took me to SHU. this Alleged Incident Never happened, These officers falsified a Report for the Gas Assault they did to me, this is all in Retaliation for the Assault on me in Constak 7-30-15.

Relief Requested. (AUB-70530-16)

- Ignorance of the Law is No Excuse...
- #1) That Docs<sup>10</sup> Auburn Corr. facility Administration discipline Officers R. Dart, Officer R. Pennello, Officer D. Murray, Sgt Pyke and all other officers involved in this vicious beating and physical assault of Grievant for his conduct against myself and similarly situated prisoners. Note: Employee Manual Section 2, 2.1 personal Conduct 2.3 Lawful Portment, Section 101, 101.3 Knowledge of Rules.
- #2) Pursuant to Civil Service Law § 75 and Executive Law I hereby demand that a copy of this Complaint be placed in said officers file and that Commissioner Anthony J. Annunzio be provided with an additional copy for any, and whatever action pursuant to Article 8 § 4 of agreement between the State of New York Counsel 82/CopBA. New York State Police Correctional Officer Benevolent Association and/or Affiliation said Officers R. Dart, Officer R. Pennello, Officer D. Murray, Sgt. S. Pyke. is Bound too.
- #3) That said officers as well as all Officers involved in this Malicious beating and ~~beat~~ Assault of grievant be referred to a training, advisory Committee for the proper performance of duty(ies) Under CPL 2.10(25), 2.20 and ordered for testing on his ~~psychanalyses~~ psychanalyses, Psychotic/psychiatric disorder as well as be made to Submit a Urine Sample to be tested for Steroids and Full Scan Narcotics and any other illegal Substance, chemicals

See Core LAW §112 "powers and Duties of Commissioner of Corrections Relating to Correctional facilities all Rule Regulations to be performed by Officers and other Employ and officer to the facility.

Furthermore §6 of the Employee Manual 6.1, 6.2, 6.3 States that you are held liable for actions of all Officers Employees, under your Administration. C.O. R. DART, C.O. R. Pennello, C.O. D. MURRAY, Sgt S. Pyke, are Unprofessional Officers whom is also a threat to all (3) there is the duties you are to perform, to the Staff and Offender Rehabilitation and legal Due Process, and the knowledge of the Rules. 8<sup>th</sup> Amendments Rights to be free from Cruel and Unusual punishment, and Employee Manual 3.4. falsification of Records.

Be it further Noticed: Title 18 U.S.C.A. Section 24. a Conspiracy Statute it Reads as follows:

"I 7 (2) Two or more people Conspire to Injure, oppress, threaten, or intimidate, any CITIZEN in the Exercise or Enjoyment of any Right or Privilege Secured to him by the Constitution or Law of the United States or because of having so exercised the Same; or if (2) Two or more persons go in disguise on the Highway, or on the premises of another, with the intent to prevent or hinder his Exercise or enjoyment of any Right or Privilege So Secured they shall be fined Not More than ~~Five~~ \$5,000 or Imprisonment not More than (10) Ten Years, or Both."

If YES, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

Auburn Correctional Facility.

B. Does the jail, prison or other correctional facility where your claim(s) arose have a grievance procedure?

Yes ☒ No ☐ Do Not Know ☐

C. Does the grievance procedure at the jail, prison or other correctional facility where your claim(s) arose cover some or all of your claim(s)?

Yes ☒ No ☐ Do Not Know ☐

If YES, which claim(s)? Assault, Injuries, Stolen Property.

D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose?

Yes ☒ No ☐

If NO, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

Yes ☐ No ☐

E. If you did file a grievance, about the events described in this complaint, where did you file the grievance?

Auburn C.F.

1. Which claim(s) in this complaint did you grieve? All of them, Assault, Injuries, Medical Attention, Stolen Property, Weapon Planting.
2. What was the results, if any? Denied

3. What steps, if any, did you take to appeal that decision? Describe all efforts to appeal to the highest level of the grievance process. Appealed IGRC decision to the Superintendent at Auburn C.F. Then Appealed Superintendent's decision to CORC.

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. If you did not file a grievance but informed any officials of your claim, state who you informed,

when and how, and their response, if any: \_\_\_\_\_

- G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

CONTACTED OSI AND THE ATTORNEY GENERAL,  
SUPERINTENDENT OF AUBURN C.F., C.O. BROWN,  
SGT DOLLEN, LT. LORD, HEARING OFFICER.

Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies. *See Appendix C*

**V. Relief:**

State what you want the Court to do for you (including the amount of monetary compensation, if any, that you are seeking and the basis for such amount.

*This claim is seeking 1.5 Million Dollars from each Defendant. That the Court take Notice of the Misdeeds Set By All Defendants. That Criminal Charges Be Made against them, as well as all Medical and Rehabilitations, Surgery's be Paid for, Pain and Suffering*



**VI. Previous Lawsuits:**

On  
these  
claims

- A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

Yes ☒ No ☐

# Appendix "C"

 <b>Corrections and Community Supervision</b>  <b>INMATE GRIEVANCE PROGRAM</b>  <b>SUPERINTENDENT</b>	GRIEVANCE NO. <b>AUB 70664-16</b>		DATE FILED <b>12/16/16</b>
	FACILITY <b>AUBURN</b>		POLICY DESIGNATION <b>POLICY</b>
	TITLE OF GRIEVANCE Missing Property after Being Assaulted		CLASS CODE <b>49</b>
	SUPERINTENDENT'S SIGNATURE 		DATE <b>1/03/17</b>
GRIEVANT <b>BERRY, Jason</b>		DIN <b>15-A-1433</b>	HOUSING UNIT <b>SHU-M-03</b>

This grievance was investigated by the Acting Captain, who interviewed the grievant. Inmate Berry had nothing to add and offered no witnesses.

Staff named in this grievance were interviewed and have gone on record both verbally and in writing, denying the allegations of unprofessional conduct.

Based on the investigation, no credible evidence exists to support the allegations. I find this grievance to be without merit and is, therefore, denied.

## APPEAL STATEMENT

If you wish to refer the above decision of the Superintendent please sign below and return this copy to your Inmate Grievance Clerk. You have seven (7) calendar days from receipt of this notice to file your appeal.\* Please state why you are appealing this decision to C.O.R.C.

*I am appealing to CORC, the above Acting Captain with No Name never interviewed me. No one has come to see me in regards to my property. There's no date when this interview took place. I have receipts, witnesses for all my property.*

*CC: File Jason Berry*  
GRIEVANT'S SIGNATURE

*1-8-17*  
DATE

\_\_\_\_\_  
GRIEVANCE CLERK'S SIGNATURE

\_\_\_\_\_  
DATE

\* An exception to the time limit may be requested under Directive #4040, section 701.6(g).



## Corrections and Community Supervision

**ANDREW M. CUOMO**  
Governor

**ANTHONY J. ANNUCCI**  
Acting Commissioner

### Notification to Complainant of Closure of Investigation

**TO:** Inmate Jason Berry  
**For Inmate's Include DIN:** 15A1433; **Facility:** Clinton.

**FROM:** Asst. Deputy Chief Inv. Knight; Graziano Inv.

**DATE:** 4/28/2017

**RE:** OSI CASE# IAD/16/1783


---

Based upon your complaint made on or about 11/26/2016, the Office of Special Investigations (OSI) conducted an investigation which is identified by the above OSI case number.

Please be advised that as a result of the investigation, the OSI made the following finding: The allegation was found to be UNSUBSTANTIATED and has been closed. This finding is based upon the evidence of the case.

If you have any questions, you may contact the above OSI member(s). Thank you for bringing this allegation to the attention of the Office of Special Investigations.

cc: Case File

 <b>Corrections and Community Supervision</b>	Grievance Number <b>AUB-70664-16</b>	Desig./Code <b>I/49</b>	Date Filed <b>12/16/16</b>
	Associated Cases		Hearing Date <b>11/22/17</b>
ANDREW M. CUOMO Governor	ANTHONY J. ANNUCCI Acting Commissioner		
<b>INMATE GRIEVANCE PROGRAM CENTRAL OFFICE REVIEW COMMITTEE</b>		Facility <b>Auburn Correctional Facility</b>	
		Title of Grievance <b>Missing Property After Being Assaulted</b>	

### **GRIEVANT'S REQUEST UNANIMOUSLY ACCEPTED IN PART**

Upon full hearing of the facts and circumstances in the instant case, the action requested herein is hereby accepted only to the extent that CORC upholds the determination of the Superintendent for the reasons stated.

CORC notes that the grievant's allegations of assault on 11/26/16 were investigated by the Office of Special Investigations and the case was closed as unsubstantiated. CORC further notes that CO C... denies taking the grievant's property. CORC advises him that he may submit a claim for any lost or stolen items in accordance with Directive #2733. CORC has not been presented with sufficient evidence to substantiate any malfeasance by staff.

CORC notes that Directive #4040, § 701.1, states, in part, that the grievance program is not intended to support an adversary process.

With regard to the grievant's appeal, CORC notes that the investigation was conducted in accordance with Directive #4040 and that he was interviewed by Lt. L... on 12/22/16.

CORC notes that the grievant has been transferred.

RAL/

---



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STATE OF NEW YORK  
OFFICE OF THE ATTORNEY GENERAL

ERIC T. SCHNEIDERMAN  
ATTORNEY GENERAL

DIVISION OF CRIMINAL JUSTICE  
PUBLIC INTEGRITY BUREAU

January 10, 2017

Stephen Maher  
Complaint Unit  
Department of Correctional Services  
Office of Special Investigations  
Building 2, State Campus  
Albany, New York 12226-2050

Re: Complaint #16-2369

Dear Mr. Maher:

The attached correspondence was received by the Attorney General's office. After an initial review of the documents, we have determined that the issues mentioned pertain to your office. Accordingly, we are referring this material to you for whatever action you deem appropriate.

Thank you in advance for your cooperation in this matter.

Very truly yours,

Public Integrity Bureau

Enc.

cc: DIN #15-A-1433  
Mr. Jason Berry  
Auburn Correctional Facility  
P.O. Box 618  
Auburn, New York 13024

- B. If your answer to A is YES, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another sheet of paper, using the same format.)

1. Parties to the previous lawsuit:

Plaintiff H. Jason Berry

Defendant's Attorney General, Notice of Intent to file claim.

2. Court (if federal court, name the district; if state court, name the county) \_\_\_\_\_

Court of Claims

3. Docket or Index number \_\_\_\_\_

4. Name of Judge assigned to your case \_\_\_\_\_

5. Approximate date of filing lawsuit \_\_\_\_\_

6. Is the case still pending? Yes \_\_\_\_\_ No X

If NO, give the approximate date of disposition Never filed Actual Claim.

7. What was the result of the case? (For example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?) Time Expired.

On  
other  
claims

- C.. Have you filed other lawsuits in state or federal court otherwise relating to your imprisonment?

Yes \_\_\_\_\_ No X

- D. If your answer to C is YES, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same format.)

1. Parties to the previous lawsuit:

Plaintiff \_\_\_\_\_

Defendant's \_\_\_\_\_

2. Court (if federal court, name the district; if state court, name the county) \_\_\_\_\_

3. Docket or Index number \_\_\_\_\_

4. Name of Judge assigned to your case \_\_\_\_\_

5. Approximate date of filing lawsuit \_\_\_\_\_

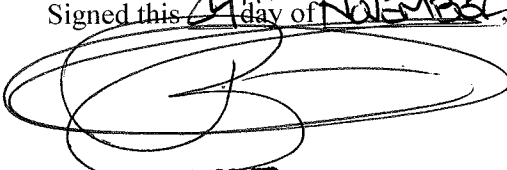
6. Is the case still pending? Yes \_\_\_\_\_ No \_\_\_\_\_

If NO, give the approximate date of disposition \_\_\_\_\_

7. What was the result of the case? (For example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?) \_\_\_\_\_

I declare under penalty of perjury that the foregoing is true and correct.

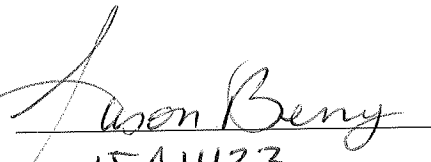
Signed this 24TH day of November, 2019.

  
**RICHARD P. WISSLER**  
Notary Public, State of New York  
No. 01W16397622  
Qualified in Orange County  
My Commission Expires on September 9, 2023

Signature of Plaintiff

Inmate Number

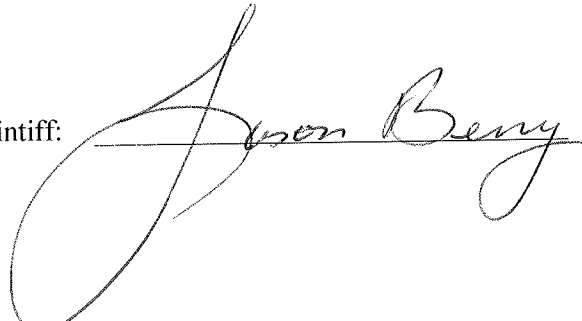
Institution Address

  
Jason Beny  
15A1433  
Sullivan C.F.  
325 Riverside Drive  
Fallsburg, NY 12733

Note: All plaintiffs named in the caption of the complaint must date and sign the complaint and provide their inmate numbers and address.

I declare under penalty of perjury that on this 24 day of November 2019, I am delivering this complaint to prison authorities to be mailed to the *Pro Se* Office of the United States District Court for the Southern District of New York.

Signature of Plaintiff:

  
Jason Beny

JASON BERRY #ISA1433  
Sullivan Corr. Facility  
PO Box 116  
Fallsburg, NY 12733

SULLIVAN  
CORRECTIONAL FACILITY

United States District Court  
Southern District of New York  
Daniel Patrick Moynihan, United States  
500 Pearl Street, Room 230  
New York New York 10007

PRO SE OFFICE